

# HOUSE BILL No. 1196

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-31-7.

**Synopsis:** Limited liability for pain and suffering damages. Limits a pain and suffering damages award to \$500,000 for a cause of action that accrues after June 30, 2005, and before January 1, 2008, and \$700,000 for a cause of action that accrues after December 31, 2007. Provides that the limits do not apply to an action for medical malpractice.

**Effective:** July 1, 2005.

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**Thompson**

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January 6, 2005, read first time and referred to Committee on Insurance.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1196

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-31-7 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]:

4 **Chapter 7. Limited Liability for Pain and Suffering Damages**

5 **Sec. 1. This chapter does not apply to an action brought for**  
6 **medical malpractice under IC 34-18.**

7 **Sec. 2. (a) In an action to recover pain and suffering damages,**  
8 **the total amount recoverable from one (1) party for an injury may**  
9 **not exceed the following:**

10 **(1) For injury to one (1) person in any one (1) occurrence:**

11 **(A) five hundred thousand dollars (\$500,000) for a cause of**  
12 **action that accrues after June 30, 2005, and before**  
13 **January 1, 2008; or**

14 **(B) seven hundred thousand dollars (\$700,000) for a cause**  
15 **of action that accrues after December 31, 2007.**

16 **(2) For injury to all persons in any one (1) occurrence, five**  
17 **million dollars (\$5,000,000).**



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1       (b) A jury may not be advised of the monetary limits placed on  
2       pain and suffering damages under this section.

3       (c) If a jury awards a plaintiff pain and suffering damages in an  
4       amount that exceeds the limits in subsection (a), the court shall  
5       reduce that part of the damages awarded to the plaintiff to comply  
6       with the limits in subsection (a).

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